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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/002,747 01/05/98 HORNE

D 042390.P5112

WM02/0118  
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EXAMINER

GHEBRETINSAE, T

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 01/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/002,747

Applicant(s)  
DAVID HORNE

Examiner  
TEMESGHEN GHEBRETINSAE

Group Art Unit  
2631



☒ Responsive to communication(s) filed on May 30, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-11 is/are pending in the applicat

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 3, 5, 6, 8, 10, and 11 is/are rejected.

☒ Claim(s) 2, 4, 7, and 9 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### DETAILED ACTION

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3,5-6,8,10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crespo et al (5,173,923) in view of Gudmundson (5,295,153).

Crespo et al discloses a CDMA spread spectrum communication system in which a PN code (sequence/s) are assigned to each transmitter and the information signals are spread and despread using the assigned unique PN codes. (See abstract and col.2, lines 13-54). Crespo differs from the present invention in that he is silent in terms of the number of the PN code sequence/s being assigned to each transmitter. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assign each transmitter a set of PN sequences so that the capacity of the transmitted signal is increased.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1,3,5-6,8 and 10- 11 rejected under 35 U.S.C. 102(e) as being anticipated by X  
Gudmundson.

Gudmundson discloses a method comprising storing a plurality of PN code; assigning a set of PN codes to each transmitter; spreading the information signal using the PN codes and despreding the information signal using the PN codes.(see abstract and col.6 lines 3-10)

6. Claims 1,3,8,10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Hasegawa (5,432,814).

Hasegawa discloses a spread spectrum communication system comprising the steps of storing Plurality of PN code sequences (PN1-PNK); assigning the plurality of the PN code sequences (PN1-PNK) to a single (first) transmitter; spreading the information signal for the first transmitter with the PN code contained within the plurality of the PN codes assigned to the (single) transmitter and despreding the information signal using the PN code sequences.(see figs.1 and 2).

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***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa.

Hasegawa discloses all the subject matters substantially as claimed (see paragraph 6 above). Hasegawa differs from the present invention in that he describes his invention in terms of one single transmitter and receiver. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a second transmitter and receiver( similar to the first transmitter and receiver described above on paragraph 6 of Hasegawa) in the system of Hasegawa since there is no new or unexpected result.

***Allowable Subject Matter***

9. Claims 2,4,7,9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Arguments***

11. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.Ghebretinsae whose telephone number is (703) 305-4777. The examiner can normally be reached on Monday-Friday from 8 to 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6743.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

T.Ghebretinsae

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01/12/2001.

**TEMESGHEN GHEBRETINSAE**  
**PRIMARY EXAMINER**

